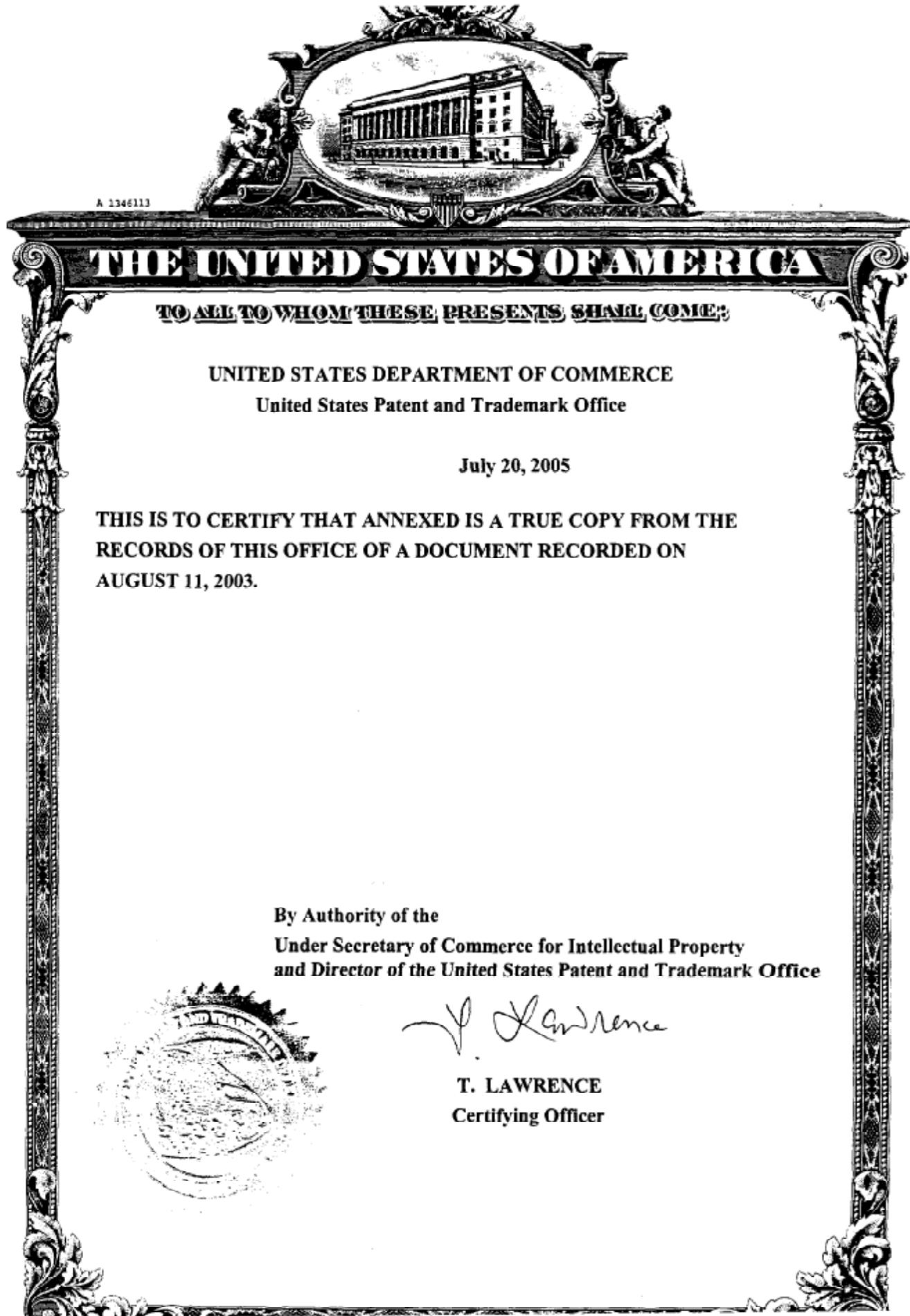


EXHIBIT 4



FORM PTO-1595 (Modified) (Rev. 03-01) OMB No. 0651-0027 (exp. 5/31/2002) POA/REV03 6 - 11 - 03 Tab settings → ← ▾ ▾		Docket No.: BN 35 A 08-14-2003 ET U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office ▾ ▾ ▾	
To the Director of the United States Patent and Trademark Office 102523992 ▾ attached original documents or copy thereof.			
1. Name of conveying party(ies): 1. Paul CHAPLIN 2. Paul HOWLEY 3. Christine MEISINGER Additional name(s) of conveying party(ies) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies): Name: <u>BAVARIAN NORDIC A/S</u> Address: <u>Ved Amagerbanen 23</u> City: <u>Copenhagen S</u> State/Prov.: <u></u> Country: <u>DENMARK</u> ZIP: <u>DK-2500</u> Additional name(s) & address(es) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>April 14, 2003</u>		4. Application number(s) or patent numbers(s): If this document is being filed together with a new application, the execution date of the application is <u>April 14, 2003</u> Patent Application No. <u>10/439,439</u> Filing date <u>May 16, 2003</u> B. Patent No.(s) <u></u> Additional numbers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>G. PATRICK SAGE</u> Registration No. <u>37 710</u> Address: <u>500 COLUMBIA PLAZA</u> <u>350 EAST MICHIGAN AVENUE</u> City: <u>KALAMAZOO</u> State/Prov.: <u>MI</u> Country: <u>USA</u> ZIP: <u>49007</u>		6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): \$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>08-3220</u> (Attach duplicate copy of this page if paying by deposit account)	
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <u>G. PATRICK SAGE</u> <u>August 6, 2003</u> Name of Person Signing <u></u> Signature <u></u> Date <u>3</u> Total number of pages including cover sheet, attachments, and <u>1</u> All documents to be recorded with required cover sheet information to: Mail Stop Assignment Recording Services Director of the United States Patent and Trademark Office P.O. Box 1450, Alexandria, VA 22313-1450			
08/13/2003 LUMELER 00000109 10479439 01 FC:0001 40.00 <input type="checkbox"/>			

PATENT
 REEL: 014369 FRAME: 0076

Assignment of Rights, Title and Interest in Invention
(Multiple Inventors; single assignee)

Docket No.
BN 35A

This is an Assignment of the following rights, title and interest: (check all that apply):

United States of America rights, title and interest in the invention
 Foreign rights, title and interest in the invention
 United States Patent Application Serial No. _____

Date of Execution: _____ Date of Filing: _____

United States Provisional Patent Application Serial No. _____
 United States Patent No(s). _____
 International (PCT) Patent Application Serial No. _____
 Other (specify) _____

Title of the Invention

MODIFIED VACCINIA ANKARA VIRUS VARIANT.

Inventors (assignors)

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Assignee

Name	Address
BAVARIAN NORDIC A/S	Ved Amagerbanen, DK-2500 Copenhagen S, Denmark

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ASOJA/REV01

PATENT
REEL: 014369 FRAME: 0077

RECORDED: 08/11/2003

PATENT
REEL: 014369 FRAME: 0078

EXHIBIT 5

Foreign Patent or Foreign Patent Application Number	Title	Publication Number	Status
Issued Foreign Patents: NONE	N/A	N/A	N/A
Denied Foreign Applications: NONE	N/A	N/A	N/A
AU20020031639D	Modified Vaccinia Ankara Virus Variant	AU3163902	Pending
AU20030239805	Modified Vaccinia Virus Ankara For The Vaccination Of Neonates	AU2003239805 A1	Pending
BR20010015533	Modified Vaccinia Ankara Virus Variant	BR0115533	Pending
BR20030009339	Modified Vaccinia Virus Ankara For The Vaccination Of Neonates	BR0309339	Pending
CA20012421151	Modified Vaccinia Ankara Virus Variant	CA2421151	Pending
CA20032478009	Modified Vaccinia Virus Ankara For The Vaccination Of Neonates	CA2478009	Pending
CN20010819410	Modified Vaccinia Ankara Virus Variant	CN1476483	Pending
CZ20030001366	Variant Of Modified Virus Of Ankara Vaccine Type	CZ20031366	Pending
DE20012022302U	Variante Des Modifizierten Vaccinia-Ankara-Virus	DE20122302U	Pending
EE20030000173	Modified Vaccinia Ankara Virus Variant	EE200300173	Pending
EP20010991753	Modified Vaccinia Ankara Virus Variant	EP1335987	Pending
EP20030732280	Modified Vaccinia Virus Ankara For The Vaccination Of Neonates	EP1420822	Pending
HU20040000685	Modified Vaccinia Ankara Virus Variant	HU0400685	Pending
IL154712D	Modified Vaccinia Ankara Virus Variant	IL154712D	Pending
JP20020545184T	Modified Vaccinia Ankara Virus Variant	JP2004514436T	Pending

NO20030002309	Modified Vaccinia Ankara Virus Variant	NO20032309	Pending
NZ20010524661	Modified Vaccinia Ankara Virus Variant	NZ524661	Pending
PL20010361459	Modified Vaccinia Ankara Virus Variant	PL361459	Pending

EXHIBIT 6

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

In the Matter of)
)
)
 Certain Modified Vaccinia Ankara) Investigation No. 337-TA-_____
 Viruses And Vaccines Based Thereon)
)

**DECLARATION OF DR. PAUL CHAPLIN CONCERNING BAVARIAN NORDIC
PATENTED AND PROPRIETARY TECHNOLOGY AND ITS UNAUTHORIZED USE**

I, Dr. Paul Chaplin, Executive Vice President and Chief Scientific Officer for of Bavarian Nordic A/S, hereby declare:

1. I am a citizen of the United Kingdom and resident of Germany.
2. I am of lawful age and not acting under any disability.
3. Based upon my knowledge gained through my role as Chief Scientific Officer of Bavarian Nordic A/S, my personal knowledge, information published by Acambis Inc. and Acambis PLC (collectively "Acambis"), as well as my thorough review of the patents in suit (of which I am a co-inventor), the information set forth in this Declaration is true and correct.
4. Bavarian Nordic A/S ("Bavarian Nordic") is the owner of the following patented technology relating to certain Modified Vaccinia Ankara ("MVA") viruses and vaccines based thereon: U.S. Patent No. 6,761,893 ("the '893 patent") and U.S. Patent No. 6,913,752 ("the '752 patent"). Bavarian Nordic is also the owner of other proprietary technology relating to certain MVA viruses and vaccines based thereon. Specifically, Bavarian Nordic is the exclusive licensee of the MVA-572 and MVA-575 virus strains and is the owner of certain trade secrets. The patented and proprietary technologies and their unauthorized use are described below.

I. The '893 and '752 Patents Cover Acambis MVA3000

5. U.S. Patent Nos. 6,761,893 and 6,913,752 cover, *inter alia*, the MVA-BN® virus and derivatives thereof, MVA-based smallpox vaccines, such as IMVAMUNE™, and the use of MVA-BN® as a vector technology.

6. Acambis infringes at least claims 1,4, 5 and 34 of the '893 patent and claims 1 - 9 and 13 - 16 of the '752 patent because Acambis has published the sequence of the strain used in its MVA smallpox vaccine product, and this sequence is the same as the sequence of the patented MVA-BN® strain. The fact that the sequences are the same indicates that the Acambis strain will have like or exactly the same properties, such as the same immunogenic and safety profiles, as the MVA-BN® strain as claimed in the patents.

7. The identity of sequences is understandable since Acambis received and used without permission an MVA strain that was given to the NIH for research purposes only, and then passed on to Acambis after several rounds of plaque purification.

II. Bavarian Nordic's Trade Secrets

8. Acambis was able to develop a competing MVA based vaccine product only because of trade secret information that Acambis received from the NIH, the aforementioned strain, dosing information, and manufacturing details including the need for a cloned MVA and the need for use of CEF cells. Without this information and biological material, Acambis could not have developed a competing product.

9. Acambis received this information and biological material knowing that it was proprietary to Bavarian Nordic but used it nonetheless. Even though some of this information

became public when Bavarian Nordic's patents issued, the early knowledge gave Acambis the ability to save time and money to their advantage.

III. Acambis used Bavarian Nordic's Trade Secrets to develop MVA3000

10. Bavarian Nordic trade secrets were used by Acambis to create Acambis's MVA based smallpox vaccine product, MVA3000.

11. Prior to meeting with Bavarian Nordic in the summer of 2002, Acambis had no MVA research programs, and was in talks with Bavarian Nordic to participate in Bavarian Nordic's commercialization of MVA-BN as a smallpox vaccination.

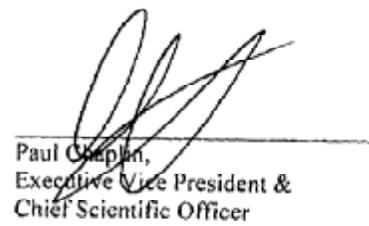
12. The trade secret information and strains that Acambis obtained and used without permission allowed Acambis to not only save time and money, but certain data associated with the information and strains was so surprising and unexpectedly good that Acambis was able to make the strategic decision to pursue MVA vaccines at a time when it did not even have a program.

IV. The '893 and '752 Patents Cover Bavarian Nordic's IMVAMUNE vaccine product

13. At least one claim in the '893 and '752 patents covers Bavarian Nordic's MVA based smallpox vaccine sold under the trademark IMVAMUNE™. Bavarian Nordic has documented that the strain used in the IMVAMUNE™ product, MVA-BN®, has the properties noted in the claims, including, that the product will not kill immune compromised mice, known as AGR129 mice.

14. I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Dated: 19th Aug 2005



Paul Chapman,
Executive Vice President &
Chief Scientific Officer